

COMMISSIONERS

EARLEAN COLLINS	1st DISTRICT
ROBERT STEELE	2nd DISTRICT
JERRY BUTLER	3rd DISTRICT
WILLIAM M. BEAVERS	4th DISTRICT
DEBORAH SIMS	5th DISTRICT
JOAN PATRICIA MURPHY	6th DISTRICT
JESUS G. GARCIA	7th DISTRICT
EDWIN REYES	8th DISTRICT



COMMISSIONERS

PETER N. SILVESTRI	9TH DISTRICT
BRIDGET GAINER	10TH DISTRICT
JOHN P. DALEY	11TH DISTRICT
JOHN A. FRITCHEY	12TH DISTRICT
LARRY SUFFREDIN	13TH DISTRICT
GREGG GOSLIN	14TH DISTRICT
TIMOTHY O. SCHNEIDER	15TH DISTRICT
JEFFREY R. TOBOLSKI	16TH DISTRICT
ELIZABETH "LIZ" DOODY GORMAN	17TH DISTRICT

OFFICE OF THE

BOARD OF COMMISSIONERS OF COOK COUNTY

118 NORTH CLARK STREET #567
CHICAGO, ILLINOIS 60602
(312) 603-6398
www.cookcountygov.com/secretary

TONI PRECKWINKLE
PRESIDENT

MATTHEW B. DELEON
SECRETARY TO THE BOARD

JULY 12, 2012

NOTICE

There will be a meeting of the **Environmental Control Committee** of the Board of Commissioners of Cook County on **Monday, July 23, 2012** at the hour of **12:30 P.M.** in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois to consider the following:

318998 CHAPTER 30 ENVIRONMENT, SECTIONS 30-541 THROUGH 30-551 (PROPOSED ORDINANCE AMENDMENT). Transmitting a Communication from Deborah Stone, Director, Department of Environmental Control:

respectfully submitting an amendment to the Asbestos and Related Substance Article of the County Code for your approval.

Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

PROPOSED ORDINANCE AMENDMENT

**AMENDMENT TO THE ASBESTOS AND RELATED SUBSTANCES ARTICLE
OF THE COUNTY CODE**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Sections 30-541 through 30-551 of the Cook County Code are hereby amended as follows:

Sec. 30-541. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:



ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 2

Adequately Wet means sufficiently mixed or penetrated with liquid to prevent the release of particulates. Upon inspection, water has visibly attached itself to the Asbestos Containing Material (ACM).

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structural component.

Applicant means the owner of a building or property who is required to obtain a permit under this Article and any agent of the owner who applies for said permit on behalf of the owner.

Asbestos means any fiber or any mixture containing fiber of hydrated silicate mineral, which, on the basis of its crystalline structure, falls into one of two categories:

- (1) Pyroxenes (chrysotile fiber);
- (2) Amphiboles (crocidolite, amosite, tremolite, actinolite or anthophyllite fiber).

Asbestos-containing material (ACM) means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

Asbestos Abatement Contractor means any Person, firm or corporation engaged in asbestos removal and abatement activities in Cook County, outside of the limits of the City of Chicago.

Certificate of Registration means the physical documentation issued by the Cook County Department of Environmental Control.

Commercial activity means any activity done for hire or having financial profit as a primary aim.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, shearing, slicing, or punching.

Debris means asbestos-containing waste produced by the demolition of a structure.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project means the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Department means the Cook County Department of Environmental Control.

Director means the Director of the Cook County Department of Environmental Control.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 3

Engage in Asbestos Abatement Activity shall refer to those activities provided in Sections 30-541 through 30-550 of the Ordinances of Cook County.

Federal, State, or Local Regulations means a law, administrative rule, or regulation of the federal government, any state in the United States of America, or any unit of local government, including, but not limited to, cities, counties, municipalities, or townships.

Permit Holder means the person who has received a permit under this Article VI.

Person or *Persons* means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.

~~*Project Supervisor* means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of asbestos-containing materials.~~

Project means any activity which requires an application for any permit required by this Article VI.

Spraying means the pneumatic application of material used for fireproofing or insulation.

Strip means to take off ACM from any part of a structure or structural components.

Structure means any building, or part thereof, enclosing any occupancy including residential, institutional, assembly, business, mercantile, industrial, storage, hazardous and miscellaneous uses. When separated by fire walls, each unit so separated shall be deemed a separate structure.

Structural component means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

Structural member means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

Waste means any asbestos-containing matter which has been or is intended to be discarded.

Sec. 30-542. General requirements.

(a) *Restrictions on activities involving discharge of asbestos into air.* After April 1, 1978, no commercial activity not otherwise hereinafter prohibited, involving the potential discharge of visible amounts of asbestos fiber or asbestos-containing materials into the ambient air from the construction, alteration, repair or demolition of a structure or structural component from the processing or manufacturing of asbestos-containing

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 4

products, shall be conducted unless the person or entity in charge of such activity complies with the following regulations:

(1) Personnel shall be designated to exercise full-time supervisory authority over all aspects of the activity from which the release of asbestos fiber into the environment could result, in such a manner as to insure compliance with the pertinent asbestos control regulations.

(2) Each employee engaged in such activity shall complete a course of instruction on the potential hazards of exposure to asbestos fiber, including the precautions that must be observed to prevent or restrict the dispersion of asbestos fiber into the environment.

(3) Facilities shall be provided and procedures instituted and supervised that prevent the removal from the site of visible amounts of asbestos-containing material on the clothing of the employees.

(4) Asbestos-containing wastes shall be immediately vacuumed or otherwise collected where vacuuming is impossible and shall be placed in a container resistant to tearing or breaking under normal handling conditions, which shall be tightly sealed and clearly marked as containing asbestos-waste. Such waste material or container shall be disposed of by burial at a sanitary landfill.

(5) Waste manifests and air monitoring reports or air clearance reports are required to be submitted to the Cook County Department of Environmental Control within ten (10) business days of the expiration of the asbestos removal permit.

~~(b) Application of Subsection (a)(4) of this section. Subsection (a)(4) of this section shall not apply to the demolition of a structure, except as provided in Section 30-544(a)(4) and (5).~~

~~(e) (b) Permit required for manufacture of asbestos-containing products.~~ After April 1, 1978, the manufacturing or processing of asbestos containing products is prohibited, unless the person or entity in charge of such activity has obtained a permit from the Director. Before obtaining such permit, the applicant shall demonstrate compliance with this section and such additional standards as are hereinafter specifically required.

(c) Cutting, trimming, fitting or stripping of asbestos containing material.

(1) The cutting, trimming, fitting or stripping of asbestos-containing material in the construction, alteration or repair of a structure or structural component which is done at the site of such structure in an area open to the atmosphere shall be conducted within a special enclosure designed to preclude the escape of asbestos fiber from the immediate area of such enclosure.

(2) The mechanical exhaustion of dust from such enclosure to the ambient air is prohibited unless such exhaust system is equipped with a properly sized fabric filter for dust collection or an equivalent device as approved by the agency.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 5

(d) Asbestos-containing material applied in construction, alteration or repair of structure or structural component. Asbestos-containing material applied in the construction, alteration or repair of a structure or structural component shall be coated with a sealant, provided with a cover or installed in some other manner so as to preclude emission of the asbestos-containing material to the circulating air. Any plenum or other structure coated with or containing asbestos-containing insulation and used in the circulation of air in a building shall be thoroughly cleaned of all debris and waste insulation.

(e) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be adequately wetted to preclude dust dispersion at the point of discharge.

(f) All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such asbestos-containing waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.

(g) Standard for demolition, alteration or repair of asbestos-containing structures or structural component.

(1) Contractor certification and performance.

a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.

b. Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.

c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

(h) Permit required; Fees

a. A demolition permit shall be obtained from the Director prior to any demolition of any structure as set out in Sec. 30-961. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1.

(2) An asbestos removal permit shall be required for all demolition, alteration or repair of any asbestos-containing structure or structural component in addition to a demolition permit, if required by Sec.30-961 and shall be

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 6

obtained prior to the start of a project. Application for this permit must be submitted no less than 10 business days prior to the start of the project. This permit is valid for 30 days after issuance and the contractor may not be off-site for more than 10 consecutive days during the permitted time. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.

- (3) Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1
- (4) No demolition permit shall be issued unless the applicant has submitted all information required by Sections 30-961 through 30-967.
- (5) An application for a demolition permit may be submitted less than the required 10 business days time period in cases where the public safety is at risk. In such cases, the applicant must submit a letter explaining the nature of the public safety risk, a completed application and copies of the check for the permit and variance filing fees, as set out in Sec. 32-1 via email or facsimile.
- (i) Operations and Maintenance Asbestos Removal Permit; Fees
 - (1) An Operations and Maintenance Asbestos Removal Permit is available for large commercial and industrial sites, healthcare facilities and schools with ongoing asbestos mitigation projects. Permit Filing Fees shall be as set out in Sec. 32-1
 - (2) To obtain an Operations and Maintenance Asbestos Removal Permit an applicant must submit a written request to the Director or his or her designee no less than 15 days prior to the scheduled start of the asbestos renovation project. This request shall include, but not be limited to, a completed Cook County notification form, an explanation of the unique circumstances involved in the project, schematic drawings and blueprints (when available) of the structure and a filing fee as set out in Sec. 32-1
 - (3) Issuance of an Operations and Maintenance Asbestos Removal Permit is subject to departmental approval. The Department shall issue a written response to the petitioner. The Department's decision is final. If the request is denied, the filing fee will be returned.
 - (4) An Operations and Maintenance Asbestos Removal Permit is applicable for one building, regardless of connecting enclosed walkways or underground tunnels. A separate request must be filed for each free standing structure on the premises or campus.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 7

- (5) An Operations and Maintenance Asbestos Removal Permit is non-transferrable to a new person, or different location.
- (6) An Operations and Maintenance Asbestos Removal Permit is valid for one calendar year, beginning on January 1 of each year. The permit holder may use the permit at any time during the year, until the expiration of the permit on December 31 of each year. Upon expiration of an existing permit, the permit holder may reapply for a new permit for the project.
- (7) An Operations and Maintenance Asbestos Removal Permit requires notification of the Department by email or fax transmission prior to starting each removal episode. The notice must include the location within the building where work is to be performed, onsite contact information and the anticipated work hours. Within 48 hours of each episode's completion the permit holder must submit a written summary of the episode.
- (8) The permit holder shall submit to the Department a chronological summary of the project and payment made based on the required inspectional fees as set out in Sec. 32-1. Healthcare facilities and schools shall submit a project summary and inspection fee payment every six months. Commercial and industrial facilities shall submit a project summary and inspection fee payment every quarter.

Sec. 30-543. ~~Construction, alteration and repair of a structure.~~ Fibrous material restrictions.

- (a) *Spraying of asbestos-containing material prohibited.* The spraying of asbestos-containing material is prohibited after April 1, 1978.
- (b) *Procedure for spraying nonasbestos fibrous material.* Nonasbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:
 - (1) The entire floor or area to be sprayed shall be enclosed with plastic-coated tarpaulins in a manner which shall preclude the escape of fiber-containing material from the enclosure. All interior open area such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the working area.
 - a. The entire sprayed area, all ledges and surfaces, including tarpaulins within the enclosure, shall be thoroughly vacuumed upon completion of the spraying operation and immediately before the enclosure is dismantled.
- (c) ~~Cutting, trimming, fitting or stripping of asbestos containing material.~~
- (1) ~~The cutting, trimming, fitting or stripping of asbestos containing material~~

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 8

~~in the construction, ALTERATION or repair of a structure which is done at the site of such structure in an area open to the atmosphere shall be conducted within a special enclosure designed to preclude the escape of asbestos fiber from the immediate area of such enclosure.~~

- a. ~~The mechanical exhaustion of dust from such enclosure to the ambient air is prohibited unless such exhaust system is equipped with a properly sized fabric filter for dust collection or an equivalent device as approved by the agency.~~

(dc) *Visible emissions of fiber-containing material considered violation.*

Compliance with Subsections (b) and (c) 542(c) and 543(b) of this section notwithstanding, visible emissions of fiber-containing material in an area open to the atmosphere shall be considered a violation.

~~(e) Asbestos-containing material applied in construction, ALTERATION or repair of structure. Asbestos-containing material applied in the construction, ALTERATION or repair of a structure shall be coated with a sealant, provided with a cover or installed in some other manner so as to preclude emission of the asbestos-containing material to the circulating air. Any plenum or other structure coated with or containing asbestos-containing insulation and used in the circulation of air in a building shall be thoroughly cleaned of all debris and waste insulation.~~

Sec. 30-544. Demolition of asbestos containing structure.

(a) *Procedure for demolition of asbestos containing structure.* Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken. Such procedures shall include, but are not necessarily limited to:

- (1) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be adequately wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos-containing waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).
- (2) When demolition by toppling occurs such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.
- (3) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.
- (4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be sufficiently adequately wetted to preclude dust dispersion at the point of discharge.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 9

- (5) All asbestos-containing debris shall be ~~thoroughly~~ adequately wetted before loading into trucks, other vehicles or containers. During transport such waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.

(b) *Standard for demolition of structures.*

(1) *Contractor certification and performance.*

- a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.
- b. Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.
- c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

~~(2) — Permit required fees.~~

- a. ~~A demolition permit shall be obtained from the Director prior to any demolition of any structure. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1~~
- b. ~~An asbestos removal permit shall be required for all demolition, alteration or repair of a structure which has been determined to contain asbestos-containing material. Such permit will be in lieu of requirements of Section 30-544 and shall be obtained prior to the start of a project. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.~~
- c. ~~Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1~~
- d. ~~Permit fees under Subsections (b)(2)a and (b)(2)b of this section shall be established in accordance with Section 30-91 and thereafter Sections 30-92 through 30-95 shall be applicable.~~

Sec. 30-545. Sampling and counting or particulate matter from manufacture of asbestos-containing product.

After April 1, 1978, a factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall discharge no visible emission of particulate matter from such manufacturing or processing into the ambient air and shall emit no concentrations of asbestos fiber into the ambient air in excess of two fibers per cubic centimeter of air.

- (1) Sampling of emissions shall be by the membrane filter method and according to the procedures recommended in the ASME Power Test Code 27-1957, or other procedures generally accepted by persons knowledgeable in the state of the art.
- (2) Counting shall be according to the procedure outlined in Edwards, G. H. and Lynch, J. R., "The Method Used by the U.S. Public Health Service for Enumeration of Asbestos Dust on Membrane Filters," Ann. Occupational Hyg. (Oxford) 11 (1): 1-6 Jan. '68; with 20 fields per sample, counted at random using phase contrast microscopy at 430x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of three to one or greater.

Sec. 30-546. Controlling asbestos handling facilities.

Any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos containing product shall control all asbestos handling facilities so that exhaust air can be ducted through necessary air pollution control equipment and samples taken of the gases which are emitted into the ambient air.

Sec. 30-547. Inspection.

(a) Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 30-542(eb) shall be subject to inspection by the Department at any reasonable time, without prior notice.

(b) In the event the Department inspects a work site where Asbestos Abatement Activity is taking place, the Asbestos Abatement Contractor must cooperate with the Department's attempts to monitor activity to ensure that safety concerns are appropriately addressed. Upon request, the Asbestos Abatement Contractor will be required to produce required information, including, but not limited to, the following:

- (1) A copy of the Certificate of Registration; and
- (2) Documentation verifying that all employees at that worksite have the appropriate licensure through the Illinois Department of Public Health, if licensure is required.

Sec. 30-548. Sampling.

At a frequency to be determined by the Agency, any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall sample the exhaust from such factory, plant or enterprise and submit the emission data to the Agency.

Sec. 30-549. Transporting.

No product which may emit asbestos-fiber during its transportation shall be transported unless such product be enclosed so as to preclude the emission of asbestos fiber into ambient air.

Sec. 30-550. Violation.

Notwithstanding compliance with Section 30-549 the visible emission of particulate matter in the course of such transportation shall be considered a violation.

Sec. 30-551. Asbestos abatement contractor registration, registration fees and penalties.

(a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, all Asbestos Abatement Contractors doing business in Cook County outside the corporate limits of the City of Chicago must register with the Department of Environmental Control.

(b) No Asbestos Abatement Contractor shall do business in Cook County outside of the corporate limits of the City of Chicago without having a currently valid Certificate of Registration issued by the Department.

(c) The Department shall prepare and maintain a list of registered Asbestos Abatement Contractors which list shall be made available upon request.

(d) To obtain a Certificate of Registration, the Asbestos Abatement Contractor shall complete an application provided by the Department of Environmental Control. The application shall be returned to the Department, accompanied by a non-refundable registration fee set forth in Section 32-1 of the Ordinances of Cook County.

(e) The application shall require the following information:

(1) The Asbestos Abatement Contractor's name, mailing address, contact person, phone number, and e-mail address, together with its form of ownership. If a corporation, a copy of the corporation's last annual report filed with the Asbestos Abatement Contractor's state of incorporation. If the Asbestos Abatement Contractor is a corporation, partnership, or other firm, the substantial owners, as defined in Chapter 34, Article V, Section 34-367 of the Ordinances of Cook County, shall be identified.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 12

- (2) The Asbestos Abatement Contractor's license number issued by the State of Illinois
Department of Public Health, the date of license expiration and a copy of said license.
- (3) A list of all enforcement actions taken against the Asbestos Abatement Contractor in the
preceding two years for alleged violations of Federal, State or Local Regulations pertaining to the handling, removal or disposal of asbestos-containing materials, including information about the alleged violations charged and the disposition.
- (4) The number of years the Person has been doing business as an Asbestos Abatement Contractor.
- (5) A list of supervisors employed by the Asbestos Abatement Contractor who are licensed by the Illinois Department of Public Health.
- (6) A list of asbestos containing material removal and abatement techniques that have previously been employed by the Asbestos Abatement Contractor.
- (7) A list of the names and addresses of waste disposal sites and waste haulers primarily used by the Asbestos Abatement Contractor.
- (8) Certification by the Asbestos Abatement Contractor that all information furnished to the
Department is true and accurate.
- (9) Other information as required by the Department.
- (f) The application shall require the Asbestos Abatement Contractor to certify compliance with all Cook County ordinances, including, but not limited to, the following:
 - (1) Chapter 30, Environment;
 - (2) Chapter 34, Article V, Child Support Payments;
 - (3) Chapter 38, Article III, Public Health and Private Nuisances;
 - (4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;
 - (5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;
 - (6) Chapter 74, Taxation; or
 - (7) The Cook County Zoning Ordinance.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 13

(g) The Director shall determine whether the applicant satisfies the requirements to be registered as an Asbestos Abatement Contractor. Upon approval of the application, the Department shall issue a Certificate of Registration to the asbestos removal contractor. Such Certificate of Registration shall expire two years following its date of issuance, and shall be renewable.

(h) The Asbestos Abatement Contractor is required to notify the Department of any material changes to the registration requirements set forth in Section 30-551(e). The Director of the Department may revoke the registration if the Asbestos Abatement Contractor fails to notify the Department of any material changes to the registration requirements identified in Section 30-551(e).

(i) The Director shall have the authority to deny an application for a Certificate of Registration. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The Director may deny issuance of a Certificate of Registration to any Asbestos Abatement Contractor where any one of the following conditions exists:

- (1) Failure to provide any of the required information on the application.
- (2) Providing false information on the application.
- (3) Outstanding violations, debts or penalties owed to Cook County for violation of any County ordinance, unless such violations, debts or penalties are being contested or appealed.
- (4) Failure to have any required licensure by the Illinois Department of Public Health.
- (5) Five or more administrative violations, three or more enforcement actions impacting public health in the two years preceding the date of application or a combined total of five administrative and enforcement actions in the two years preceding the date of application.

(j) If one of the conditions listed in section (i) is found to exist prior to the expiration of the Certificate of Registration, the Director may revoke the registration after notifying the Asbestos Abatement Contractor of the violation via certified mail, of the decision. The contractor shall have ten days from the date of the Director's letter to make a written request for an administrative hearing to contest the decision or to provide information to the Department that reaffirms that they remain in compliance with the requirements of the ordinance. The Asbestos Abatement Contractor may reapply for a Certificate of Registration after a period of 14 business days. Approval of the Certificate of Registration after a revocation shall be probationary for one year after issuance of the Certificate of Registration. Any additional violations during the one-year probation will result in the suspension of the Certificate of Registration for a period of no less than one month and no more than one year.

(k) Any Certificate of Registration issued by the Department pursuant to this article may be renewed if the Asbestos Abatement Contractor submits a completed

ENVIRONMENTAL CONTROL COMMITTEE NOTICE**JULY 12, 2012****PAGE 14**

registration renewal application on a form provided by the Department, and makes payment of a renewal fee set by the Department, consistent with the provisions of Section 32-1 of the Ordinances of Cook County. Renewal of a Certificate of Registration may be withheld if the Director finds that evidence exists that renewal of the Certificate of Registration will present health and safety concerns for the public. The Director may refuse to renew a Certificate of Registration if any of the conditions identified in Section 30-551(i) exist. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration renewal. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The applicant shall have 15 days from the date of the Director's letter to make a written request for an administrative hearing to contest the Director's decision.

(l) If the Director denies an application for or revokes a Certificate of Registration or an application for renewal of a Certificate of Registration, the Director shall so notify the Asbestos Abatement Contractor in writing within 30 days of the decision, including a statement of the basis for the denial or revocation. The Asbestos Abatement Contractor shall be given the opportunity to contest the Director's action decision in a hearing as set forth in Article IX, Administrative Hearings, Section 2-901 et seq. of the Code of Ordinances. The Asbestos Abatement Contractor shall be given written notice at least seven days before the hearing is scheduled. The Department of Administrative Hearings shall make a final decision on granting the Certificate of Registration.

(m) Any person that performs asbestos removal activity governed by this article without possessing a valid and current Certificate of Registration issued by the Department shall be subject to fines in accordance with the provisions of Section 30-213 of this article.

(n) The Department shall maintain records of any instances of Asbestos Abatement Activity performed without a Certificate of Registration for five years from the date of the discovery of the nonauthorized activity and said records shall be considered when reviewing subsequent applications for registration.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

CHAPTER 30, ENVIRONMENT		
30-551	Asbestos Removal Contractor Certificate of Registration, initial or renewed	200.00
30-544(b)(2)a. 30-542(h)(1) 30-961(a)	Demolition permit fee	
30-544(b)(2)a. 30-542(h)(1)	Residential filing fee (<u>garage/shed</u>)	150.00

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 15

<u>30-542(h)(1)</u>	<u>Residential Filing fee (4 units or less)</u>	<u>150.00</u>
<u>30-542(h)(2)</u>	<u>Residential fee(5 units or more)</u>	<u>1,000.00</u>
30-544(b)(2)a. <u>30-542(h)(1)</u>	Commercial and industrial filing fee	350.00 <u>1,000.00</u>
30-544(b)(2)a. <u>30-542(h)(1)</u>	Inspection fee	150.00
30-544(b)(2)b. <u>30-542(h)(2)</u>	Asbestos removal permit	
30-544(b)(2)b.1 <u>30-542(h)(2)</u>	Filing fee	200.00
<u>30-542(i).</u>	<u>Operations and Maintenance Asbestos Removal Filing Fee for Healthcare facilities and schools</u>	<u>500.00</u>
<u>30-542(i).</u>	<u>Operations and Maintenance Asbestos Removal Filing Fee for commercial and industrial buildings</u>	<u>1,000.00</u>

30-544(b)(2)b.2. <u>30-542(h)(2)</u> <u>30-542(i)(8)</u>	Inspection fee shall not exceed \$2,000.00 per project, or inspection period for Operations and Maintenance Permits, or the following, whichever is the lesser:	
30-544(b)(2)b.2.(i) <u>30-542(h)(2)</u> <u>30-542(i)(8)</u>	Asbestos-containing material, per linear foot	2.00
30-544(b)(2)b.2.(ii) <u>30-542(h)(2)</u> <u>30-541(i)(8)</u>	Asbestos-containing material, per square foot	6.00
30-554(b)(2)e. 30-542(h)(3) <u>30-961(c)</u>	Permit revision fee	55.00
<u>30-542(h)(5)</u>	<u>Emergency Variance Filing Fee.</u>	<u>100.00</u>
30-600	Open burning permit fee schedule:	
30-600(1)	Filing fee per permit; maximum ten occurrences (burns) per permit	20.00
30-600(2)	Open burning fee for each day of occurrence (for each burn)	36.00

Effective date: This amended ordinance shall be in effect ____ days after passage.

***Referred to the Committee on Environmental Control 7/10/12.**

318999 COOK COUNTY DEMOLITION DEBRIS DIVERSION ORDINANCE (PROPOSED ORDINANCE). Transmitting a Communication, dated June 14, 2012 from Deborah Stone, Director, Department of Environmental Control:

respectfully submitting for your approval the Cook County Demolition Debris Diversion Ordinance.

Submitting a Proposed Ordinance sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

PROPOSED ORDINANCE

COOK COUNTY DEMOLITION DEBRIS DIVERSION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Article X Demolition Debris Diversion, Sections 30-961 through 30-972 of the Cook County Code are hereby enacted as follows:

Sec. 30-961. Short title.

Section 30-961 through Section 30-972 shall be known, and may be cited, as the Cook County Demolition Debris Diversion Ordinance

Sec. 30-962. Purpose and intent.

The purpose of this Ordinance is to establish a program for recycling and salvaging of construction and demolition waste consistent with the Cook County Solid Waste Plan. This Ordinance is intended to introduce reuse and recycling requirements that will help achieve Cook County's goal to:

(1) Reduce the amount of construction and demolition waste generated at the source;

(2) Regulate the salvage and transport of salvageable construction and demolition material and to prevent the improper disposal of construction and demolition debris within the County of Cook; and,

(3) Recover materials for the purpose of recycling and reuse that would otherwise be discarded and return them to the economy.

Sec. 30-963. Findings.

(a) The County finds and determines that:

(1) The County is committed to protecting the public health, safety, welfare and environment and in order to meet these commitments it is necessary that the County promote the reduction of solid waste and reduce the stream of solid waste going to landfills.

- (2) The debris generated in construction and demolition projects accounts for a significant portion of the materials disposed of in landfills and a large percentage of such debris is comprised of materials particularly suitable for recycling.
- (3) The reuse and recycling of certain portions of construction and demolition debris is essential to further the County's efforts to reduce solid waste.
- (4) Except in unusual circumstances, it is feasible to divert an average of at least seventy percent (70%) of all construction and demolition debris from construction and demolition projects.

Sec. 30-964. Definitions

AHERA means the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2641 *et seq.*

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structure component.

ASHARA means the Asbestos School Hazard Abatement Reauthorization Act, 15 USC § 2641 *et seq.*

Construction and Demolition Debris ("C&D debris") means waste produced by the demolition or alteration of a structure. C&D debris may include but is not limited to bricks, concrete, masonry materials, soil, rock scrap, scrap metal, plaster, gypsum drywall, plumbing fixtures and piping, insulation, roofing shingles, other roof coverings, reclaimed or other asphalt pavement, glass, plastics, electrical wiring, corrugated cardboard, piping or metals incidental to any of those materials, landscape waste and wood, including painted, treated, coated wood, wood products, wall coverings, and incidental dirt, metal, mortar, gypsum, plasterboard, wood and sand that may be intermingled with reusable or recyclable demolition material generated from demolition activities.

Deconstruction means the process of systematically dismantling a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project involves the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 18

Divert or Diversion means to recycle or reuse demolition debris for any purpose other than disposal in a landfill, incineration facility.

Facility means an establishment that collects material, including construction and demolition debris, and either reprocesses or aggregates the material to be sold back into the market or serves as an intermediate or permanent site for disposal. Facilities include recycling establishments, building material reuse centers, transfer stations or landfills.

Hauler means an establishment that collects and transports material, including construction and demolition debris, from the original site of generation or intermediate site to another destination, such as a facility.

Recycle or Recycling means to set aside, handle, package or offer for collection residential, commercial, or industrial solid waste materials or by-products for the purpose of being reused or processed and then returned to the economic mainstream as useful products.

Remodel or Renovation means the altering of an existing building or structure, or any portion of its structural components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Reuse means recovering material for repeated use in the same form. This includes materials that are reused in the same location as they are generated.

Sec. 30-965. Demolition Debris Diversion Requirements.

(a) Except as provided in section 30-967, applications for a demolition permit will be subject to the following Demolition Debris Diversion Requirements:

- (1) Any residential building is subject to a minimum five percent (5%) by weight reuse requirement and a minimum total seventy percent (70%) by weight diversion requirement.
- (2) Any non-residential building is subject to a seventy percent (70%) by weight recycling requirement with reuse encouraged whenever possible.

Sec. 30-966. Submission of Demolition Permit Application.

(a) To be issued a demolition permit, a demolition permit application, including an asbestos inspection report, completed to AHERA/ASHARA standards, conducted by an Illinois Department of Public Health certified building inspector, must be submitted no less than 10 business days prior to the start of the demolition project, reviewed, and approved by the Director.

(b) Application may include but is not limited to a Demolition Debris Diversion Plan, estimating the respectively required diversion goals as set out in Sec. 30-965 and the transport means and destinations of demolition debris. The Demolition

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 19

Debris Diversion Plan shall include, but is not limited to, the Estimated Material Tracking Form and the Material Transport Form.

(c) The Estimated Material Tracking Form shall require the following information:

- (1) The estimated quantity of each type of demolition debris and proposed means of diversion. The applicant shall list the types of demolition debris by material and the estimated amount of each type of demolition debris that will be reused or recycled. In estimating the weight of the demolition debris, the applicant shall use the conversion rates approved by the Director for this purpose.
- (2) The estimated total weight of demolition debris generated by the project, which is calculated at the end of the Estimated Material Tracking Form.
- (3) A list with the name and address of the hauler or haulers that will transport each type of the demolition debris and the name and address of the facility or facilities that will receive the demolition debris.

(d) The application shall require certification of compliance with all Cook County ordinances, including, but not limited to, the following:

- (1) Chapter 30, Environment;
- (2) Chapter 34, Article V, Child Support Payments;
- (3) Chapter 38, Article III, Public Health and Private Nuisances;
- (4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;
- (5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;
- (6) Chapter 74, Taxation; or
- (7) The Cook County Zoning Ordinance.

Sec. 30-967. Exceptions to the Demolition Debris Diversion requirements.

(a) The following structures will be exempt from the Demolition Debris Diversion Requirements of Sec. 30-965 but must still apply for Demolition Permit before commencing any demolition activity:

- (1) Garages and sheds; and

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 20

(2) Projects that are not demolishing any load-bearing walls.

(b) In the event that the applicant believes that the diversion of all or some demolition debris is impossible or impracticable, the applicant shall submit written justification and supplemental documentation along with the application substantiating the reasons the project should be exempt from the diversion requirements or be subject to decreased diversion requirements should be decreased. As a result, the applicant shall be subject to a required site inspection by the Department to verify this claim.

(c) The Director or his/her designee shall determine, in writing, whether any of the Demolition Debris Diversion Requirements shall be waived in whole or in part on the grounds of impracticability or impossibility.

(d) If the Director or his/her designee declines to approve a Demolition Permit Application, he or she shall document in writing the basis of denial.

Sec. 30-968. Submission of Demolition Debris Diversion Report.

(a) Within ten (10) days of the expiration of the demolition permit the permit holder or his or her designee shall submit to the Department a Demolition Debris Diversion Report verifying that the Demolition Debris Diversion Requirements were met as set out in Sec. 30-965.

(b) Applicants shall use a standard Demolition Debris Diversion Report provided by the Department.

(c) The Demolition Debris Diversion Report shall include, but is not limited to, the Actual Tracking Form and the Material Transport Reports.

(1) The Actual Material Tracking Form shall contain the following information:

a. The weight of demolition debris that was diverted by type of material, diversion method, haulers that managed the debris, and facilities that received the debris.

b. The weight of demolition debris that was not diverted.

(2) Material Transport Reports shall be submitted to substantiate the Actual Material Tracking Form and shall contain the following information for each facility used:

a. A complete list of the types of demolition debris transported to each facility, including itemized weight for each type;

b. The total weight of demolition debris transported to each facility;

c. The final destination for the materials as managed by each facility;

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

JULY 12, 2012

PAGE 21

- d. Each facility's contact information; and,
- e. Any barriers encountered that prohibited diversion of demolition debris.

(3) Certification by the General Contractor that all information furnished to the Department is true and accurate.

(d) If the Demolition Debris Diversion Report shows that the project failed to meet the Demolition Debris Diversion Requirements as set out in Sec. 30-965, the applicant shall be in violation of this Ordinance and subject to the fines as specified in Sec. 30-972.

(e) An applicant who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in Section 30-213 as if no amount of demolition debris was recycled or reused.

(f) Any false statement, documentation or audit non-compliance shall result in fines and/or penalties pursuant to this Ordinance and/or the penalties specified in Section 30-972.

(g) Notwithstanding the foregoing, where title to the property is transferred to a bona fide purchaser after the rehabilitation of the property, if an applicant is unavailable or refuses to provide the required documentation, the bona fide purchaser may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the applicant is unavailable or refuses to provide the required documentation.

Sec. 30-969. Exceptions to the Demolition Debris Diversion Report.

(a) In the event that the applicant was unable to divert the amount of demolition debris as required by Sec. 30-965, the applicant shall submit written justification and supplemental documentation along with the Demolition Debris Diversion Report substantiating the reasons it was impossible or impracticable for the project to achieve its estimated diversion goals.

(b) The Director shall consider this documentation to determine whether the applicant has violated the reporting requirements as set out in Sec. 30-968.

(c) If the Director finds that the applicant has not submitted sufficient written justification and supplemental documentation to justify the impossibility or impracticability to meet this requirement, the Director shall make a written finding that the Applicant has violated the provisions of this Article and state the basis for that finding in writing.

(d) If the project has been exempt from meeting the Demolition Debris Diversion Requirements as set out in Sec. 30-967, the project shall be exempt from submitting a Demolition Debris Diversion Report. If a project has been issued a Demolition Permit with Demolition Debris Diversion Requirements lower than set out in Sec. 30-965, the project is still required to submit a Demolition Debris Diversion Report.

Sec. 30-970. County's right to monitor and inspect.

(a) The Director or his/her designee may inspect and monitor all demolition projects to determine actual levels of demolition debris diversion and to validate the information provided in the Demolition Debris Diversion Plan and the Demolition Debris Diversion Report.

(b) An applicant shall retain the receipts or weight tickets for the quantities of materials reused recycled and landfilled as indicated in the Demolition Debris Diversion Report for at least three years after the demolition is complete.

(c) Site inspections by the Department may occur during demolition activity to verify proper siting and material handling procedures are being followed in compliance with all applicable sections of the Cook County Code.

Sec. 30-971. Rulemaking.

The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance.

Sec. 30-972. Penalties.

(a) A permit holder is in violation this Cook County Demolition Debris Diversion Ordinance by:

- (1) Failing to submit Demolition Debris Diversion Report;
- (2) Failing to timely file a required Demolition Debris Diversion Report;
- (3) Failing to complete Demolition Debris Diversion Report to a satisfactory degree, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;
- (4) Failing to maintain records required by this Article;
- (5) Failing to divert demolition debris as required by Sec. 30-965;
- (6) Violating any other portion of the Cook County Demolition Debris Diversion Ordinance.

(b) With respect to violating this Ordinance, a full list of penalties and fines are listed in Sec. 30-213.

ENVIRONMENTAL CONTROL COMMITTEE NOTICE

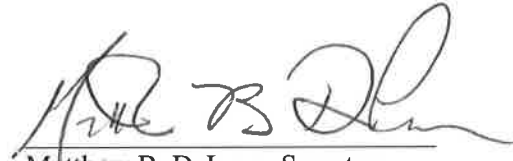
JULY 12, 2012

PAGE 23

(c) Criminal prosecutions pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover fines, interest and costs incurred for such proceedings. Civil penalties and interest assessed pursuant to this Ordinance shall be computed at the rate provided by the Cook County Uniform Penalty, Interest and Procedures Ordinance.

Effective date: This Ordinance shall take effect 120 days after passage.

***Referred to the Committee on Environmental Control 7/10/12.**



Matthew B. DeLeon, Secretary

Chairman: Gorman
Vice-Chairman: Steele
Members: Gainer, Murphy, Schneider, Silvestri, Tobolski